IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10652 of 2004

Between:

M/s.Shirdi Sai Stone Crushers, Krishnamareddipally village & Mandal,Ananthapur Dist.

..... PETITIONER

AND

1 Chief General Manager, Operation, Central Power Distribution Company of Andhra Pradesh Ltd., Singareni bhavan, Redhills, Hyderabad.
2 The Superintending Engineer, Assessments, Central Power Distribution Company of Andhra Pradesh Ltd.,Urdu Hall Galli, Himayathnagar, Hyderabad.
3 The Asst.Divisional Engineer,Operation, Sub Division, Transmission Corp.of A.P.Ltd.,Ananthapur.
4 The Asst.Engineer,Rural,Transmission Corp.of Andhra Pradesh Ltd.,Ananthapur.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the action of the first respondent in not granting stay in the appeal filed by the petitioner under section 127 of Electricity Act, 2003 as illegal, arbitrary and without jurisdiction and to consequently direct the Respondents not to insist upon payment of any amounts pursuant to order dt. 28-8-2000 in Lr.No.ADE/O/ATP/SER/D.No.3005/2K on the file of third respondent and the order dt.22-11-2001 passed in order NO.SEA/HYD/ EATP35/SAH 8882/D.No.1090 on the file of the 2nd Respondent herein and award costs.

Counsel for the Petitioner:MR.N.RANGA REDDY

Counsel for the Respondents: MR.KANAKAMEDALA RAVINDRA KUMAR

The Court at the stage of admission made the following Order:

This writ petition is filed by the petitioner aggrieved by the Letter dated 31-03-2004 of the Assistant Accounts Officer, APCPDCL, Ananthapur, demanding the petitioner to deposit a sum of Rs.1,66,412/- stating to be the outstanding amount against the Final Assessment.

According to the petitioner, he is having a stone-crushing unit and was obtained electricity connection with Service Connection bearing No.276 of KR Palli. Further, the said service connection was inspected by the officers of the respondents between 10th and 15th of every month even as per the letter dated 31-08-2000 of the Additional Assistant Engineer, Operation, Rural Section, Ananthapur. On 02-08-2000, the petitioner made a complaint to the respondent authorities stating that the seals of the meter box have been removed by his rival groups. On receipt of the said complaint, the officers had visited the premises and found that the seals are in cut-off condition. However, for providing seals to the meter after conducting necessary checks of the meter, the respondents did not take any further action. But, however, on

08-08-2000, the respondents inspected the premises and held that the petitioner had committed pilferage of power and therefore, made an assessment. It is also stated that though the petitioner has stated all these facts before the Assessing Authority, the Assessing Authority did not take any note of these facts and failed to consider the same. Further, it is stated that against the order of Final Assessment, an appeal is filed before the first respondent and the same is pending. The petitioner deposited a sum of Rs.1,35,000/- (Rupees One Lakh Thirty Five

Thousands only) as per the orders of this Court before the Final Assessment was made. Though the appeal filed by the petitioner is pending, the respondents are demanding the balance amount on the ground that final assessment has already been made. In view of the above facts, the petitioner sought for a direction not to disconnect the power supply, pending disposal of the appeal before the first respondent.

Heard the learned Counsel for the petitioner and learned Standing Counsel for the respondents.

As the appeal filed by the petitioner is still pending before the first respondent, the respondents should not insist for payment of the balance amount as the petitioner had already deposited a sum of Rs.1,35,000/- towards the final assessment even before such assessment was made.

Under the above circumstances, the writ petition is disposed of directing the respondents not to disconnect the power supply and not to make any demand for the balance amount, pending disposal of the appeal.

The writ petition is accordingly disposed of. No order as to costs.

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(S.ANANDA REDDY, J)

25th JUNE, 2004.

Note: furnish c.c. in two days.

B/o

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To

1 Chief General Manager, Operation, Central Power Distribution Company of Andhra Pradesh Ltd., Singareni bhavan, Redhills, Hyderabad.

2 The Superintending Engineer, Assessments, Central Power Distribution Company of Andhra Pradesh Ltd.,Urdu Hall Galli, Himayathnagar, Hyderabad.

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5. Two CD Copies.